

AMENDED IN SENATE JUNE 28, 2010

AMENDED IN SENATE JUNE 9, 2010

AMENDED IN SENATE MAY 10, 2010

AMENDED IN SENATE JUNE 10, 2009

AMENDED IN SENATE JUNE 8, 2009

AMENDED IN ASSEMBLY APRIL 30, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 715

Introduced by Assembly Member Caballero
(Principal coauthor: Assembly Member Nielsen)
(Coauthors: Assembly Members Arambula, Blakeslee, and Fuller)

February 26, 2009

An act relating to land conservation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 715, as amended, Caballero. Land conservation: subventions to local government: funding.

Existing law, known as the California Land Conservation Act of 1965, or the Williamson Act, authorizes a city or county, by contract, to limit the uses of land to agricultural uses or as an agricultural preserve in exchange for reduced property taxes. Existing law provides replacement revenues to local governments by reason of the reduction of the property tax on open-space lands assessed under specified provisions of the Revenue and Taxation Code (subvention payments), including lands enrolled under the Williamson Act. Existing law continuously

appropriates to the Controller from the General Fund a sum sufficient to make the payments required under those provisions.

~~The Disaster Preparedness and Flood Prevention Bond Act of 2006, a bond act approved by the voters at the November 7, 2006, statewide general election, makes \$290,000,000 available, upon appropriation, for the protection, creation, and enhancement of flood protection corridors and bypasses through certain actions, including acquiring easements and other interests in real property to protect or enhance flood protection corridors and bypasses while preserving or enhancing the agricultural use of the real property, and acquiring interests in, or providing incentives for maintaining agricultural uses of, real property that is located in a flood plain that cannot reasonably be made safe from future flooding.~~

~~This bill would appropriate \$11,000,000 from those bond moneys \$36,000,000 from the General Fund to the Controller, for subvention payments for those parcels enrolled under the Williamson Act for purposes consistent with specified agricultural and flood protection corridor purposes for which the bond moneys are made available of making those payments during the 2010–11 fiscal year.~~

Vote: ~~majority~~^{2/3}. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) ~~Ensuring the health and safety of Californians against~~
- 4 ~~flooding is an essential priority for the state.~~
- 5 (2) ~~It is not possible to make all areas in flood plains safe from~~
- 6 ~~future flooding, and in those cases, alternative strategies such as~~
- 7 ~~flood corridors may be the best strategy for minimizing the impact~~
- 8 ~~of flooding on urban populations and the built environment.~~
- 9 (3) ~~In 2006, voters approved the Disaster Preparedness and~~
- 10 ~~Flood Prevention Bond Act of 2006, which includes funding for~~
- 11 ~~the protection, creation, and enhancement of flood protection~~
- 12 ~~corridors and bypasses.~~
- 13 (4) ~~Protecting, creating, and enhancing flood protection corridors~~
- 14 ~~and bypasses can include allowing agricultural and other natural~~
- 15 ~~lands to accommodate seasonal flooding during high water events.~~

1 (1) *The future of California's agricultural production is in great*
2 *danger.*

3 ~~(5)~~

4 (2) California's agricultural lands provide many public benefits,
5 including food supply, water quality, water supply, flood
6 protection, wildlife habitat, scenic open space, and climate change
7 benefits.

8 ~~(6) A significant amount of California's agricultural lands are~~
9 ~~in areas designated as flood plains and may provide protection to~~
10 ~~urban populations and areas from flooding.~~

11 ~~(7) The Department of Water Resources has recognized the~~
12 ~~value of agricultural and other natural lands for this purpose and~~
13 ~~has previously purchased flood easements, conservation easements,~~
14 ~~and land to protect, create, and enhance flood protection corridors.~~

15 (3) *California continues to burden local governments by taking*
16 *away the fiscal support it has provided to them for the conservation*
17 *of agricultural lands for decades.*

18 (4) *The steady significant reduction in state support to local*
19 *governments for these purposes increasingly exacerbates the*
20 *tremendous threat of conversion of agricultural lands and open*
21 *space to urbanized development.*

22 ~~(8)~~

23 (5) The California Land Conservation Act of 1965, otherwise
24 known as the Williamson Act, has proved to be a very effective
25 farm and ranch preservation program, protecting over 16.5 million
26 acres.

27 ~~(9)~~

28 (6) Due to the state's budget crisis, counties have suffered the
29 complete loss of subvention payments for the lands under contract
30 in their respective counties. *Without these funds counties will begin*
31 *nonrenewing Williamson Act contracts.*

32 ~~(10)~~

33 (7) Approximately 2,048,470 acres lie within the 100-year flood
34 plain in California that are also subject to the Williamson Act.

35 ~~(11)~~

36 (8) The Imperial County Board of Supervisors has voted to
37 nonrenew all the Williamson Act contracts in its county ~~if at least~~
38 ~~some portion of subvention payments are not restored. Other~~
39 ~~counties are expected to follow in this action.~~

40 ~~(12)~~

(9) A broad coalition of local governments, agricultural organizations, unions, environmental and conservation groups, outdoor recreation organizations, including hunters and fishers, and landowners are working together to find a permanent solution for funding subvention payments to counties for the Williamson Act.

~~(b) The purpose of this act is:~~

~~(1) To provide a one-time, partial funding for the continuation of the Williamson Act subventions in the 2010–11 fiscal year.~~

~~(2) To identify the acreage of land in each county that is under Williamson Act contract and lies within a flood plain that is eligible for subvention payments pursuant to subdivision (e) of Section 5096.825 of the Public Resources Code.~~

~~SEC. 2. (a) Of the funds made available pursuant to Section 5096.825 of the Public Resources Code, the sum of eleven million dollars (\$11,000,000) is hereby appropriated to~~

~~(b) The sum of thirty-six million dollars (\$36,000,000) is hereby appropriated from the General Fund to the Controller, for subvention payments pursuant to Chapter 3 (commencing with Section 16140) of Part 1 of Division 4 of Title 2 of the Government Code for those parcels enrolled in a land conservation program pursuant to the California Land Conservation Act of 1965 (also known as the Williamson Act)(Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5 of the Government Code) for purposes consistent with subdivision (a) or (e) of Section 5096.825 of the Public Resources Code for the 2010–11 fiscal year.~~

~~(b) Any funding made available for subventions to counties pursuant to this act shall be a one-time payment to the county, and shall not be subject to repayment.~~

~~(c) If the appropriated funds are not adequate to provide the full funding according to the schedule provided by subdivision (e), full subvention payments to each county, then each county shall receive an amount calculated as a pro rata amount of the total funds made available through this act based on proportion of land under contract in each county pursuant to the Williamson Act.~~

~~(d) For purposes of this act, “real property that is located in a flood plain that cannot reasonably be made safe from future flooding” means lands that lie within the 100-year flood plain~~

according to the designation or mapping by the Department of
Water Resources:

(e) Payments shall be made according to the following schedule,
which reflects the acreage within each county that is under a
Williamson Act contract and lies within the 100-year flood plain:

County	Aeres under Williamson Act contract and located in a 100-year flood plain
Alameda County	3,055 acres
Alpine County	— acres
Amador County	4,607 acres
Butte County	65,933 acres
Calaveras County	2,241 acres
Colusa County	66,671 acres
Contra Costa County	5,998 acres
Del Norte County	0 acres
El Dorado County	630 acres
Fresno County	132,313 acres
Glenn County	48,681 acres
Humboldt County	10,102 acres
Imperial County	— acres
Inyo County	0 acres
Kern County	242,003 acres
Kings County	292,575 acres
Lake County	2,707 acres
Lassen County	12,091 acres
Los Angeles County	— acres
Madera County	146,149 acres
Marin County	46 acres
Mariposa County	2,835 acres
Mendocino County	16,514 acres
Merced County	82,455 acres
Modoc County	14,338 acres
Mono County	1,638 acres
Monterey County	41,486 acres
Napa County	263 acres
Nevada County	80 acres
Orange County	0 acres

1	Placer County	8,037 acres
2	Plumas County	40,546 acres
3	Riverside County	4,299 acres
4	Sacramento County	137,895 acres
5	San Benito County	21,409 acres
6	San Bernardino County	— acres
7	San Diego County	971 acres
8	San Francisco County	0 acres
9	San Joaquin County	201,756 acres
10	San Luis Obispo County	54,488 acres
11	San Mateo County	2,845 acres
12	Santa Barbara County	25,101 acres
13	Santa Clara County	12,933 acres
14	Santa Cruz County	6,721 acres
15	Shasta County	5,125 acres
16	Sierra County	938 acres
17	Siskiyou County	638 acres
18	Solano County	99,608 acres
19	Sonoma County	20,789 acres
20	Stanislaus County	28,833 acres
21	Sutter County	2,922 acres
22	Tehama County	38,207 acres
23	Trinity County	518 acres
24	Tulare County	110,396 acres
25	Tuolumne County	865 acres
26	Ventura County	11 acres
27	Yolo County	88,416 acres
28	Yuba County	0 acres
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